

Minutes of May 15, 2003 Meeting
City Council Chambers
22 Civic Center Plaza
Santa Ana

1. Chair Beswick called the meeting to order at 9 :00 a.m.

Board Members Present

Board Members Absent

Carole Beswick, Chair
Fred Ameri, Vice-Chair
Jose Solorio
Seymour Van Gundy
John Withers
Joan Dotson

William Ruh

Staff Members Present

Gerard J. Thibeault, Executive Officer
Kurt V. Berchtold, Assistant Executive Officer
Michael J. Adackapara, Supervising Water Resource Control Engineer
Joanne E. Schneider, Environmental Program Manager
Ann E. Sturdivant, Chief, SLIC, DoD
Hope A. Smythe, Chief, Basin Planning Inland Waters
Wanda M. Smith, Chief, Basin Planning Coastal Waters
Mark G. Adelson, Chief, Basin Planning Regional
Jun Martinez, Chief, Regulations
Mark E. Smythe, Chief, Storm Water Coastal Waters
Barbara Laffoon, Executive Assistant

State Board Representative

There was none present.

Legal Counsel

Jorge León
Philip Wyels

Public Attendance

George Rudolph, Stormwater Management
David Webb, City of Huntington Beach
Souri Amirani, City of Santa Ana
Debbie Cook, City of Huntington Beach
Bob Ring, City of Laguna Woods
Victor Kawana, INSIST
T.J. Kawana, INSIST
James Cowan, City of Lake Forest
John Skinner, SPON
Harry Thomas, City of Orange
Bob Von Schimmelmänn, City of Orange
Roger Faubel, Waters & Faubel
Larry Jenkins, INSIST
Jill Willis, Best Best & Krieger
LeRae Spera, INSIST

Tony Spera, INSIST
Garry Brown, Orange County Coastkeeper
T & M. England, League of Women Voters
Don Schulz, Surfrider Foundation
Monica Mazur, Orange County Environmental Health
Liz Gonzalez, Orange County Environmental Health
Mike Loving, City of Irvine
Mary Jane Foley, PSOMAS
Greg Woodside, Orange County Water District
Todd Ridgeway, City of Newport Beach
John Rossi, Chino Basin Watermaster
Irwin Haydock
Roy Wellington, San Antonio Water Company
Pat McGuigan, City of Santa Ana
Larry McKinney, County of Orange

Mary Anne Skorpanich, County of Orange
Ken McNeil
Carol Douglass
William Mills, Mills & Associates

Gary LaForge, City of Costa Mesa
Mark Norton, SAWPA
Chip Monaco, County of Orange

2. Public Forum

Advising the Board of positive storm water environmental actions taken by their respective cities were:

Pat McGuigan, Environmental Advisory Board, City of Santa Ana
Carolyn Cavecche, Mayor Pro-Tem, City of Orange, OCSD Director
Bob Ring, Mayor Pro-Tem, City of Laguna Woods
Debbie Cook, City of Huntington Beach, OCSD Director
Todd Ridgeway, City of Newport Beach
Donovan Eckerode?, Council Member, City of Placentia

LeRae Spera, TJ and Victor Kawana, and Larry Jenkins of INSIST voiced concern regarding the investigation into the pollution at Wyle Laboratories in Norco and asked for assistance. Executive Officer (EO) Thibeault advised that staff would update the Board at the July 1 meeting.

3. Approval of Minutes of April 4, 2003 meeting

There being no additions or corrections, the minutes of the regular board meeting held on April 4, 2003, were approved as presented.

3A. Resolutions of Appreciation, Dale Claypoole and D. Burnell Cavender, R8-2003-0068 and 2003-0069

This item was not presented.

3B. Petitions filed by Goodrich Corporation and Kwikset Corporation for Review of Cleanup and Abatement Order No. R8-2002-0051, Resolution No. R8-2003-0070

Information pertaining to this item is contained in a verbatim transcript.

Assistant Chief Counsel Philip Wyels presented an opening statement and background for the item. He noted that the item was placed on the agenda essentially to clarify the basis for the Board's decision to rescind the Cleanup and Abatement Order R8-No. 2002-0051 last fall and to address a possible misunderstanding of that basis by Kwikset Corporation.

The main point of Resolution No. R8-2003-0070 is to more fully clarify the basis for the Board's September 2003 decision and to note the jurisdiction of the Regional Board granted by the Legislature.

Speakers were Robert Wyatt, counsel for Kiwkset Corporation, Peter Duchesneau, counsel for Goodrich Corporation, and Francis Logan, representing the City of Rialto.

Action: It was moved by Member Dotson, seconded by Member Ameri and unanimously approved that the Board adopt Resolution No. R8-2003-0070, with changes as outlined.

4. Consideration of Consent Calendar Items.

Chair Beswick noted that items 5 and 7 had been postponed and that item 6 had errata.

- *6. General Waste Discharge Requirements for Discharges to Surface Waters of Process Wastewater Associated With Certain Wellhead Treatment Systems, NPDES No. CAG648001 —Order No. R8-2003-0002

Action: It was moved by Member Solorio, seconded by Member Van Gundy and unanimously approved that the Board adopt Order No. R8-2003-0002 with errata.

- *5. Renewal of Waste Discharge Requirements, California Portland Cement Company, San Bernardino County —Order No. R8-2003-0038

This item was postponed to a later date.

- *7. Waste Discharge Requirements for Kimball Avenue, LLC, San Bernardino County, —Order No. R8-2003-0019, NPDES No. CA8000401.

This item was postponed to a later date.

8. Waste Discharge Requirements, The Colonies Partners LP, The Colonies at San Antonio Project, Campus Avenue at 19th Street, Upland, San Bernardino County —Order No. R8-2003-0025

Information pertaining to this item is contained in a verbatim transcript.

Environmental Program Manager Schneider clarified that there were two errata sheets submitted for this item.

Ray Wellington, San Antonio Water Company, John Rossi, CEO Chino Basin Watermaster, and Pete Pitassi supported adoption of the order.

Residents Ken McNeil and Carol Douglass voiced concern with adoption.

Action: It was moved by Member Ameri, seconded by Member Solorio and unanimously approved that the Board adopt Order No. R8-2003-0025 with errata.

9. Status Report on Rialto-Colton-Fontana Perchlorate Investigation

Ann Sturdivant, Chief, SLIC/DoD Section, presented a status report on the Rialto-Colton Perchlorate investigation. Ms. Sturdivant noted that eleven investigation orders had been issued to date, and staff is also evaluating property owners as potentially responsible parties.

Representatives of the Goodrich Corporation met with Board staff on April 2, 2003 regarding the status of the site investigations. Craig Moyer, counsel for Goodrich Corporation, commented that six months of the 24-month agreement by Goodrich have expired and expressed concern that more potentially responsible parties have not been identified. Mr. Moyer presented a list of possible companies, obtained by using past telephone directories and advertising.

Robert Wyatt, counsel for Kiwkset Corporation, noted they had complied with Board's request for access to the 58 boxes of documents of West Coast Loading.

Counsels Francis Logan and Steve Elie spoke regarding the item.

10. Beach Water Quality Status Report

Ken Theisen, Sanitary Engineering Associate, provided an extensive status report on beach water closures, investigations of water quality problems at Huntington State Beach and postings of violations of water quality standards at beaches in the Region.

RECESS:

The Board recessed at 12:35 for lunch and resumed the public meeting at 1:00 p.m.

11. Orange County Storm Water Program Status Report

Members of the Orange County Storm Water Program presented a status report to the Board.

Participating were:

Vicki Wilson, Orange County PFRD
John Bizorski, City Manager, Seal Beach
Gary LaForge, NPDES Coordinator, City of Costa Mesa
Mark Norton, SAWPA

12. Storm Water Quality Standards Task Force

This item was postponed to a later date.

13. Vessel Waste Pump-out Program Report

Pavlova Vitale, Environmental Scientist (ES), presented a report on the Vessel Waste Pump-out Programs in Newport Bay and Huntington Harbour. She noted that Board staff, working with staff of the Orange County Coastkeeper and the cities of Newport Beach and Huntington Beach, evaluated the vessel sewage waste programs and found them to be inadequate. Ms. Vitale described staff recommendations for improvements, which, in part, would result in adding seven new pump out facilities in Newport and four in Huntington Harbour and dump stations at all the locations with pump out stations.

The purpose of this discussion was to solicit input from the Board and the public. Some comments were received, and staff will prepare responses to these comments and bring this item for consideration by the Board at a later meeting. The Board's recommendations would be considered by the State Board, which could adopt one or more orders requiring their implementation.

Commenting were David Webb, City Engineer of the City of Huntington Beach, Garry Brown, Orange County CoastKeeper, and Huntington Beach resident Clement Aime.

14. Cease and Desist Order, Orange County Sanitation District (OCSD)/Santa Ana Watershed Project Authority (SAWPA) Cease and Desist Order No. R8-2003-0055

This item was postponed to a later date.

15. Mandatory Penalties Complaint, Exxon Mobil Oil, Station #18-D9R, Orange County, Mandatory Penalties Complaint No. R8-2003-0041

EO Thibeault advised the Board that this item had been paid, the right to a hearing had been waived, and no further action was required by the Board.

16. Administrative Civil Liability Complaint, Woodbridge Development, Orange County, Administrative Civil Liability Complaint No. R8-2003-0023

EO Thibeault advised the Board that this item had been paid, the right to a hearing had been waived, and no further action was required by the Board.

17. Administrative Civil Liability Complaint, Robertson's Ready Mix, Orange County, Administrative Civil Liability Complaint No. R8-2003-0043

EO Thibeault advised the Board that this item had been paid, the right to a hearing had been waived, and no further action was required by the Board.

18. Sewage Spill Incident Report

A list of such incidents was provided as an information item to the Board.

19. Quarterly Violations Report

A list of such incidents was provided as an information item to the Board.

20. Executive Officer's Report

EO Thibeault introduced Mark Norton, SAWPA, who presented a draft agreement to form a task force for the Stormwater Quality Standards Study for Board consideration at the next meeting.

EO Thibeault advised the Board of a conflict with the June 27 meeting and requested that it be rescheduled to Tuesday, July 1, 2003.

21. Regional Board Member Communications

There was none.

22. Closed Session

There was none.

23. Adjournment

The meeting was adjourned to the regular meeting of July 1, 2003, at 9:00 a.m., at the City Council Chambers of Loma Linda.

Respectfully submitted:

/s/ 7/1/2003

GERARD J. THIBEAULT
Executive Officer

/bjl